

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADRIANNA CUNNING,
Plaintiff,

v.

WEST CHESTER UNIVERSITY,
Defendant.

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CIVIL ACTION
NO. 20-836

ORDER

AND NOW, this 25th day of February, 2021, upon consideration of Defendant's Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction (ECF No. 11), and Plaintiff's Response in Opposition thereto (ECF No. 13), as well as Defendant's Motion for Leave to File a Reply Brief in Further Support of its Motion to Dismiss (ECF No. 14), and Plaintiff's Response in Opposition thereto (ECF No. 15), and for the reasons stated in the Court's accompanying Memorandum, it is hereby ORDERED as follows:

1. Defendant's Motion to Dismiss is GRANTED with respect to Counts I, II, III, and IV of Plaintiff's Second Amended Complaint, and the claims set forth in those counts are DISMISSED with prejudice;
2. Defendant's Motion to Dismiss is GRANTED with respect to Counts V and VII of Plaintiff's Second Amended Complaint, and Plaintiff is granted leave to amend the claims set forth in those counts within thirty (30) days of the date of this Order;
3. Defendant's Motion to Dismiss is DENIED with respect to Count VI of Plaintiff's Second Amended Complaint; and
4. Defendant's Motion for Leave to File a Reply Brief in Further Support of its Motion to Dismiss is GRANTED.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.